

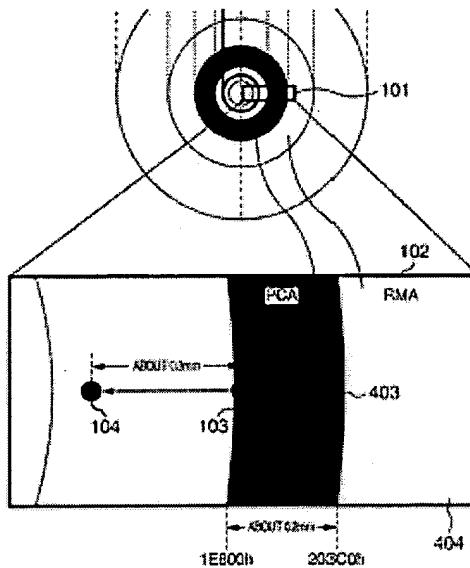
**REMARKS/ARGUMENTS**

Claims 1-16 are pending in the application. Claims 3-5, 7, and 9-11 have been amended. Support for the claims can be found in the specification as originally filed. No new matter has been introduced by virtue of these amendments.

In the latest office action, the Examiner objected to claims 3-5 and 9-11. These claims have been amended in the manner suggested in order to overcome the objections.

Claims 7-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that claim 7 recites "said control means" with insufficient antecedent basis. Claim 7 has been amended to recite "said control circuit" which does have sufficient antecedent basis. Accordingly, Applicants believe that claim 7 as amended and claims 8-12 depending therefrom are now in condition for allowance.

Embodiments in accordance with the present invention relate to irradiating a laser beam on a radially inner side relative to a power calibration area defined by the ECMA-338 standard. Fig. 1 is reproduced in part below:



A power calibration area (403) is defined in a radially inner zone of the disk (see *Standard ECMA-338 "80 mm (1.46 Gbytes per side) and 120 mm (4.70 Gbytes per side) DVD Re-recordable Disk (DVD-RW)", Annex H titled "Optimum Power Control"*). The objective lens of the optical disk apparatus is moved toward the radially inner side of the disk beyond the PCA. Neither the PCA 403 nor the RMA 404 is subjected to laser irradiation, whereby the data stored

in these areas can be protected from destruction. See page 9, lines 8-10; page 2, lines 18-24; and page 13, lines 22-24 of the present specification.

Accordingly, independent claim 1 recites as follows:

1. An optical disk apparatus for recording data on a recordable optical disk having a power calibration area on a radially inner side, the optical disk apparatus comprising:

a laser diode for emitting a laser beam;  
a laser diode driver module for driving said laser diode;  
an objective lens for constricting the laser beam;  
objective lens driving means for driving said objective lens in a radial direction of said recordable optical disk; and  
control means for controlling said laser diode driver module and said objective lens driving means,

wherein said control means controls said objective lens driving means such that an area to be irradiated with the laser beam is located on a radially inner side beyond the power calibration area while controlling said laser diode driver module for emitting the laser beam. (Emphasis added)

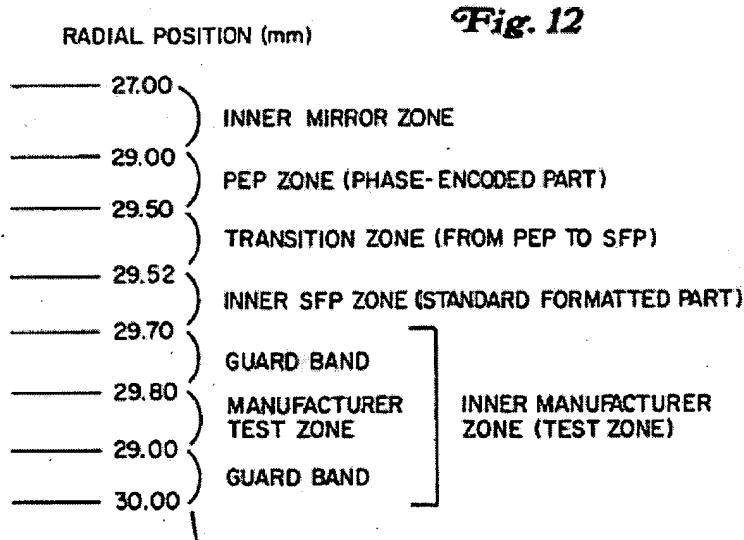
The other pending independent claims recite similar features. See, for example, claims 7 and 13. In fact, claim 13 as originally filed recites "beyond." Claims 1 and 7 have been amended to use this language.

Claims 1, 3-6, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Masaki et al. (U.S. Patent No. 5,481,510).

Regarding the anticipation claim rejections:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02)

The Masaki reference describes a seek control system including an operation for moving an optical head to a mirror zone of a medium for the adjustment of emission of a laser diode of the optical head. Fig. 12 is reproduced in part below:



The emission of light from the optical head is adjusted in the inner mirror zone. *See column 11, lines 61-66 of Masaki.*

The Masaki reference refers to the inner mirror zone as being "known". The Masaki reference discloses that this *inner mirror zone* is the area where the emission or light from the optical head is adjusted. Thus, on the one hand, Masaki's *inner mirror zone*, may be understood as corresponding to the recited power calibration area (PCA). Given this understanding, Masaki teaches irradiating in the PCA, and therefore does not teach the recited irradiating in "a radially inner side beyond the PCA." Claim 7 recites "radially outward"; however, the same argument applies.

On the hand, in accordance with another understanding, Masaki's *inner mirror zone* may be understood as corresponding to the recited "radially inner side beyond the PCA." However given this understanding, Masaki does not teach the recited power calibration area. Logically, Masaki's *inner mirror zone* cannot be both (1) the PCA and (2) a side beyond the PCA. The Masaki reference therefore does not teach or suggest the recited "area to be irradiated with the laser beam is located beyond a radially inner side relative to the power calibration area" as stated in independent claim 1.

Based upon the failure of the Masaki reference to teach each and every element of the pending claims, explicitly or even impliedly, it is respectfully asserted that claims 1, 3-6, and 13 are patentable. The Section 102 rejection of the claims is believed to be overcome.

Claims 2, 7-12, and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable by Masaki et al., in view of Yoshikawa (U.S. Patent No. 4,734,914).

The Yoshikawa reference fails to overcome the deficiencies of the Masaki reference. The Yoshikawa reference describes a stabilized laser apparatus that has the ability to adjust the intensity of a laser beam during operation for recording data. Column 3, lines 48-51 of the Yoshikawa reference states:

"Alternately, adjustment can be performed while a region excluding the recording track of the medium and the printing range is irradiated with the laser beam."

Here, while the Yoshikawa reference discloses that the laser adjustment can be performed in a region outside of the recording track, the Yoshikawa reference in no way teaches or suggests a power calibration area. Without such teaching of a power calibration area, it follows that the Yoshikawa reference cannot teach writing beyond an inner radial side of a power calibration area.

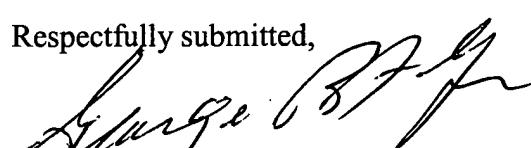
Based upon the failure of the Masaki and Yoshikawa references to teach or even suggest each of the elements of the pending claims, it is respectfully asserted that claims 2, 7-12, and 14-16 are patentable. The Section 103 rejection of the claims is believed to be overcome.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
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